

Introduced by Senator Wright

February 18, 2009

An act to amend Section 47660 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 191, as introduced, Wright. Charter schools: funding.

Existing law requires the Superintendent of Public Instruction annually to compute a general-purpose entitlement for each charter school, as specified. Existing law prescribes calculations to modify that general-purpose entitlement with regard to specified pupils who attend a charter school that is established through the conversion of an existing public school within a unified school district on or after July 1, 2005.

This bill instead would require that those modified calculations for charter schools that convert to charter schools on or after July 1, 2005, only be made for the first three fiscal years subsequent to the conversion of the school. The bill would require, following this three fiscal year period, that the general-purpose entitlement for schools that convert to charter schools on or after July 1, 2005, be no greater than the amount calculated by the Superintendent for charter schools generally. The bill would provide that a unified school district that is the sponsoring local educational agency, as defined, of a charter school is not required to make the modified calculations for a converted charter school in any fiscal year if the unified school district certifies an entitlement to an apportionment amount, as determined pursuant to a specified statute, that is lower than the apportionment amount the unified school district certified in the prior fiscal year. The bill would declare that its provisions do not preclude a charter school or unified school district from agreeing to an alternative funding formula.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 47660 of the Education Code is amended
2 to read:
3 47660. (a) For purposes of computing eligibility for, and
4 entitlements to, general purpose funding and operational funding
5 for categorical programs, the enrollment and average daily
6 attendance of a sponsoring local educational agency shall exclude
7 the enrollment and attendance of pupils in its charter schools
8 funded pursuant to this chapter.
9 (b) (1) Notwithstanding subdivision (a), and commencing with
10 the 2005–06 fiscal year, for purposes of computing eligibility for,
11 and entitlements to, revenue limit funding, the average daily
12 attendance of a unified school district, other than a unified school
13 district that has converted all of its schools to charter status
14 pursuant to Section 47606, shall include all attendance of pupils
15 who reside in the unified school district and who would otherwise
16 have been eligible to attend a noncharter school of the school
17 district, if the school district was a basic aid school district in the
18 prior fiscal year, or if the pupils reside in the unified school district
19 and attended a charter school of that school district that converted
20 to charter status on or after July 1, 2005. Only the attendance of
21 the pupils described by this paragraph shall be included in the
22 calculation made pursuant to paragraph (7) of subdivision (h) of
23 Section 42238.
24 (2) Notwithstanding subdivision (a), for the 2005–06 fiscal year
25 only, for purposes of computing eligibility for, and entitlements
26 to, revenue limit funding, the average daily attendance of a unified
27 school district, other than a unified school district that has
28 converted all of its schools to charter status pursuant to Section
29 47606 and is operating them as charter schools, shall include all
30 attendance of pupils who reside in the unified school district and
31 who would otherwise have been eligible to attend a noncharter
32 school of the unified school district if the pupils attended a charter
33 school operating in the unified school district prior to July 1, 2005.
34 Only the attendance of pupils described by this paragraph shall be
35 included in the calculation made pursuant to Section 42241.3. The

1 attendance of the pupils described by this paragraph shall be
2 included in the calculation made pursuant to paragraph (7) of
3 subdivision (h) of Section 42238.

4 (c) Commencing with the 2005–06 fiscal year, for the attendance
5 of pupils specified in subdivision (b), the general-purpose
6 entitlement for a charter school that is established through the
7 conversion of an existing public school within a unified school
8 district on or after July 1, 2005, shall be determined using the
9 following amount of general-purpose funding per unit of average
10 daily attendance, in lieu of the amount calculated pursuant to
11 subdivision (a) of Section 47633:

12 (1) The amount of the actual unrestricted revenues expended
13 per unit of average daily attendance for that school in the year
14 prior to its conversion to, and operation as, a charter school,
15 adjusted for the base revenue limit per pupil inflation increase
16 adjustment set forth in Section 42238.1, if this adjustment is
17 provided, and also adjusted for equalization, deficit reduction, and
18 other state general-purpose increases, if any, provided for the
19 unified school district in the year of conversion to, and operation
20 as a charter school.

21 (2) For a subsequent fiscal year, the general-purpose entitlement
22 shall be determined based on the amount per unit of average daily
23 attendance allocated in the prior fiscal year adjusted for the base
24 revenue limit per pupil inflation increase adjustment set forth in
25 Section 42238.1, if this adjustment is provided, and also adjusted
26 for equalization, deficit reduction, and other state general-purpose
27 increases, if any, provided for the unified school district in that
28 fiscal year.

29 (3) *The calculations set forth in this subdivision shall only be*
30 *made for the first three fiscal years subsequent to the conversion*
31 *of the school to a charter school on or after July 1, 2005, pursuant*
32 *to Section 47606. Following this three fiscal year period, the*
33 *general-purpose entitlement for schools that convert to charter*
34 *schools on or after July 1, 2005, shall be no greater than the*
35 *amount calculated pursuant to Section 47633. A unified school*
36 *district that is the sponsoring local educational agency, as defined*
37 *in subdivision (j) of Section 47632, of a charter school shall not*
38 *be required to make the calculations set forth in this subdivision*
39 *in any fiscal year if the unified school district certifies an*
40 *entitlement to an apportionment amount, as determined pursuant*

1 *to Section 42238, that is lower than the apportionment amount the*
2 *unified school district certified in the prior fiscal year. This*
3 *paragraph does not preclude a charter school or unified school*
4 *district from agreeing to an alternative funding formula.*

5 (d) Commencing with the 2005–06 fiscal year, the
6 general-purpose funding per unit of average daily attendance
7 specified for a unified school district for purposes of paragraph
8 (7) of subdivision (h) of Section 42238 for a school within the
9 unified school district that converted to charter status on or after
10 July 1, 2005, shall be deemed to be the amount computed pursuant
11 to subdivision (c).

12 (e) A unified school district that is the sponsoring local
13 educational agency as defined in subdivision ~~(i)~~ (j) of Section
14 47632 of a charter school that is subject to the provisions of
15 subdivision (c) shall certify to the Superintendent the amount
16 specified in paragraph (1) of subdivision (c) prior to the approval
17 of the charter petition by the governing board of the school district.
18 This amount may be based on estimates of the unrestricted revenues
19 expended in the fiscal year prior to the school's conversion to
20 charter status and the school's operation as a charter school,
21 provided that the amount is recertified when the actual data
22 becomes available.

23 (f) For the purposes of this section, “basic aid school district”
24 means a school district that does not receive from the state an
25 apportionment of state funds pursuant to subdivision (h) of Section
26 42238.

27 (g) A school district may use the existing Standardized Account
28 Code Structure and cost allocation methods, if appropriate, for an
29 accounting of the actual unrestricted revenues expended in support
30 of a school pursuant to subdivision (c).

31 (h) For purposes of this section and Section 42241.3, “operating”
32 means that pupils are attending, and receiving instruction at the
33 charter school.